



04-09-01

2005

A/RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 029641

In re Application of:

ANDREW J. DILLON, ET AL.

Serial No. 09/089,523

Filed: April 6, 1999

For: PARTIALLY RIGID-PARTIALLY
FLEXIBLE ELECTRO-OPTICAL
SENSOR FOR FINGERTIP
TRANSILLUMINATION

§ Examiner: Eric Winakur

§ Patent No: 5,891,021

REISSUE APPLICATION DECLARATION BY THE INVENTORAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,891,021, granted April 6, 1999, and for which a reissue patent is sought on the invention entitled PARTIALLY RIGID-PARTIALLY FLEXIBLE ELECTRO-OPTICAL SENSOR FOR FINGERTIP TRANSILLUMINATION, the specification of which

 is attached hereto. was filed on _____ as reissue application number _____ / _____
and was amended on _____.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply).

- by reason of a defective specification or drawing.
- by reason of the patentee claiming more or less than he had the right to claim in the patent.
- by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Each of the claims in the issued patent recites the presence of an adhesive layer on the "concave surface of said cradle" when in fact the adhesive layer may be placed on the flexible, initially substantially planar web-like support structure, as recited in the specification at Column 4, lines 32-36.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

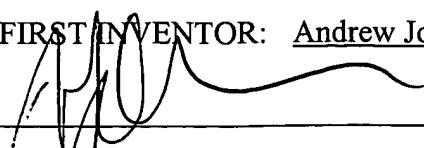
Andrew J. Dillon, Reg. No. 29,634

Firm or Individual Name:

BRACEWELL & PATTERSON, LLP
Suite 350, Lakewood on the Park
7600B North Capital of Texas Highway
Austin, Texas 78731
(512) 343-6116; (512) 343-479-3917 Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

FULL NAME OF SOLE OR FIRST INVENTOR: Andrew Joseph Dillon

INVENTORS SIGNATURE:  DATE: Apr. 16, 2001

RESIDENCE: 6308 Chambly Cove
Austin, Texas 78730

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: Same as above.

FULL NAME OF SECOND INVENTOR: Jeffrey Albert Secunda

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 6454 Willow Lane
Dallas, Texas 75230

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: Same as above.

FULL NAME OF THIRD INVENTOR: Todd Johnson Daniel

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 5813 Norfolk
Frisco, Texas 75035

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: Same as above.

FORM 17^{jg}

Practitioner's Docket No. 0293AD-029641

PATENT

ASSENT BY ASSIGNEE FOR FILING OF REISSUE APPLICATION

This is part of the application for a reissue patent filed herewith based on the original patent identified as follows:

Dillon et al.

Name of Patentee

5.891.021

Patient Number

April 6, 1999

Date Patent Issued

Partially Rigid-Partially Flexible Electro-Optical Sensor for Fingertip Transillumination
Title of Invention

I am an assignee owning

an undivided interest to the above original patent.

XX a 100% (per cent) interest in the above original patent.

I assent to the accompanying application for reissue.

Attached is a "Statement under 37 C.F.R. § 3.73(b) - Establishing Right of Assignee to Take Action."

Perdue Holdings, Inc.

Name of assignee

Kenneth Hender
Signature of person signing for assignee

Date: 6/6/01

Kenneth F. Perdue, President
(Type or print name and title of person signing for assignee)